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Attorney Docket No.: 102.0003-04000

Customer No. 22882

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary Karlin Michelson, M.D.

Serial No: 09/626,636

Filed: July 27, 2000

For: APPARATUS AND METHOD OF INSERTING  
SPINAL IMPLANTS

Art Unit: TC-3700 MAIL ROOM

Examiner: U. Ho

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Transmitted herewith is an Amendment in response to the Office Action dated November 28, 2001 in the above-identified application.

- ☒ No additional fee is required.
- ☐ Applicant hereby requests a three-month extension of time to respond to the above Office Action.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE		ADD'L FEE DUE
TOTAL CLAIMS FEE	71	-	71**	0	LG=\$18 SM=\$9	\$18	\$ 0
INDEPENDENT CLAIMS FEE	2	-	3***	0	LG=\$80 SM=\$40	\$80	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$270 SMALL ENTITY FEE = \$135		\$ 0
TOTAL							\$ 0

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- ☐ A fee in the amount of \$\_\_\_ to cover the additional claims fee is enclosed.
- ☐ A fee in the amount of \$\_\_\_ to cover the three-month extension of time fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1068. A copy of this sheet is enclosed.
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,  
MARTIN & FERRARO, LLP

Date: May 31, 2002

By:

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3731  
PATENT  
Attorney Docket No. 102.0003-04000  
Customer No. 22882



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 12 2002

TC 3700 MAIL ROOM

Application of )

Gary Karlin Michelson, M.D. )

Serial No.: 09/626,636 )

Filed: July 27, 2000 )

For: APPARATUS AND METHOD OF )  
INSERTING SPINAL IMPLANTS )

Group Art Unit: 3731

Examiner: U. Ho

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**CERTIFICATE OF MAILING VIA FIRST CLASS MAIL**

Date of Deposit: May 31, 2002

I hereby certify that:

1. Transmittal Form (in duplicate)
2. Amendment with attachment
3. Self-addressed return postcard receipt

are being deposited with the United States Postal Service to Addressee with sufficient postage as first class mail under 37 C.F.R. § 1.8 on the date indicated above and are addressed to:

Assistant Commissioner for Patents  
Washington, D.C. 20231

Date: May 31, 2002

  
Sandra L. Blackmon

14500 Avion Parkway, Suite 300  
Chantilly, VA 20151-1101  
Telephone: 703-679-9300  
Facsimile: 703-679-9303



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PATENT  
Attorney Docket No. 102.0003-04000  
Customer No. 22887

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Gary Karlin Michelson, M.D. )  
Serial No.: 09/626,636 )  
Filed: July 27, 2000 )  
For: APPARATUS AND METHOD OF )  
INSERTING SPINAL IMPLANTS )

Group Art Unit: 3731

Examiner: U. Ho

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JUN 12 2002  
TC 3700 MAIL ROOM

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**AMENDMENT**

Prior to the further examination of the above-identified application, the following amendments and remarks are submitted:

**IN THE CLAIMS:**

Please amend the claims (with changes as shown in the attachment) as follows:

172. (Amended) An apparatus for use in performing human interbody spinal surgery comprising:

a guard having a passage for providing guided access to a disc space and vertebral bodies adjacent the disc space, said guard having a proximal end and an opposite distal end, said guard having spine engaging portions at said distal end of said guard for holding said guard to the spine, said spine engaging portions being